REMARKS:

Claims 10-53 were pending in the application. Claims 23-24 and 26 have been canceled. Claims 10, 12-22, 25, 27-34, 36-39, 42-43, 46-48, and 53 have been amended. No claims have been added. Therefore, claims 10-22, 25, and 27-53 are now pending in this application.

Support for the present claim amendments can be found in the originally-filed specification, at least at paragraphs [0031] and [0034]. No new matter has been added.

Statement of Substance of Interview

Applicant thanks the Examiner for extending the courtesy of conducting a telephone interview on May 27, 2009.

Participating in the interview were Examiner Monikang and Applicant's undersigned representative. The art-based and written description rejections were discussed. No agreement was reached. As discussed below, arguments and amendments are presented herein that are believed to address the Examiner's concerns.

Section 112 Rejection

Claim 21 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that "applicant fails to describe 'plurality of intervals comprising at least one interval shorter than a segment of effective sound absence associated with said at least one interval; and transferring the first plurality of intervals' in such a way as to enable one of ordinary skill in the art to understand." Office Action at 3.

Applicant respectfully submits that the allegedly unsupported limitation is disclosed in the originally-filed application, at least at paragraphs [0013] and [0043], and original claim 21. Accordingly, examined claim 21 complies with the written description requirement of 35 U.S.C. § 112, and the rejection is improper. However, amendments to claim 21 presented herein are believed to render the present rejection moot.

Art-Based Rejections

Claims 10-28, 30-31, 34-38, 41, 43, 45-50, and 52-53 stand rejected under 35 U.S.C. § 1.02(e) as being anticipated by Miura et al (U.S. Publication No. 2002/0183873). Claims 29, 32-33, 39-40, 42, 44, and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miura in view of Fellenstein et al (U.S. Patent No. 6,993,285). In view of the present claim amendments and the remarks below, withdrawal of the present rejections is respectfully requested.

Claims 23, 24, and 26

Claims 23, 24, and 26 are canceled herein. Therefore, the rejections as to these claims are moot.

Claims 10-20

As amended, claim 10 recites:

> 10. A method, comprising:
>
> a device receiving incoming sound;
>
> the device storing data representative of the incoming sound in a buffer;
>
> in response to **determining, at a first point in time, that the incoming sound satisfies a recording initiation criteria**, the device:
>
> retrieving data from the buffer, wherein the data retrieved from the buffer is representative of the **incoming sound received during an interval of time preceding the first point in time**;
>
> **storing the data retrieved from the buffer** on a memory medium;
>
> initiating storage, on the memory medium, of data that is representative of **incoming sound received after the first point in time**; and
>
> in response to **determining that the received incoming sound satisfies a recording termination criteria at a second point in time** subsequent to the first point in time, the **device discontinuing storing data representative of incoming sound** on the memory medium.

Claims 11-20 depend from claim 10, and therefore include these limitations.

Applicant respectfully submits that neither Miura nor Fellenstein teach or suggest the recited limitations. For example, Miura discloses a system for improving the sound quality of dubbed audio signals by addressing errors during data transfer. Miura at [0012]. Actions subsequent to detection of an error detected during the dubbing of a recorded track from an optical disc reproducing apparatus to a magneto-optical disc recording/reproducing apparatus is described:

> Specifically, the controller 39 of the magneto-optical disc recording/reproducing apparatus 2 is notified that an error has occurred on data transfer from the IEEE 1394 interface circuit 47 through the IEEE 1394 bus 3, stops the operation, and sends an error notifying command CMD1 to the controller 28 of the optical disc reproducing apparatus 1. The controller 28 of the optical disc reproducing apparatus 1 **moves to the retry mode by receiving the error notifying command CMD1, and stops the operation**.

Miura at [0062] (emphasis added). Muira teaches further actions performed by the system:

> The magneto-optical disc recording/ reproducing apparatus 2 **receives the retry condition** notifying command CMD5 at the time of T2-6, and **erases the track on which the error occurred**.

Miura at [0065] (emphasis added). The disclosed system proceeds to return to the track in which the error was detected to retry the dubbing:

> With the command CMD6 of [Pause], the optical disc reproducing apparatus 1 **returns to the start of the track to be retried** at the time of TI-7, and stands in readiness after moving to the status of [Pause] (PAUSE) which is a standby for reproducing operations.

Miura at [0065].

Thus, Miura discloses detecting an error during the dubbing of a recorded track from a reproducing apparatus to a recording apparatus, erasing the dubbed track at the recording apparatus that contains the error, and retrying the dubbing of that track by returning the reproducing apparatus to the beginning of the track. Absent from Miura is any disclosure or suggestion of "determining, at a first point in time, that the incoming sound satisfies a recording initiation criteria," "storing . . . data" that is "representative of the incoming sound received during an interval of time preceding the first point in time," "initiating storage" of data "representative of the incoming sound received after the first point in time," and "in response to

determining that the received incoming sound satisfies a recording termination criteria at a second point in time . . . discontinuing storing data representative of incoming sound," as is recited in claim 10. Accordingly, Applicant respectfully submits that claims 10-20 are not taught or suggested by Miura.

The deficiencies of Miura are not cured by Fellenstein. Fellenstein discloses systems and methods for storing of segments of broadcast data streams in FIFO memory units and allowing movement to selected positions within the stored segments. Fellenstein teaches:

> A user is enabled to select preferred broadcast stations for monitoring and signals from the selected stations are converted into digital data streams which are input to first-in first-out (FIFO) memory units to enable a local storage of a segment of predetermined duration of broadcast signals on different FIFO tracks in a user receiving device. As each FIFO memory for each selected station becomes full, old information or content is moved out of memory as new information or content is applied to the FIFO.

Fellenstein at col. 1, lines 48-56. Fellenstein further discloses:

> After designating the selected or favorite stations, the user may choose to listen to one of the selected stations. Although the user is listening to only one of the stations, all of the selected stations are being monitored and digital data streams are being generated for each station representative of the content being broadcast from each station. Each of the digital data streams is applied to a different FIFO string such that broadcast content for a predetermined period of time is being stored at the receiving device for all selected broadcast stations. As is hereinafter explained in more detail, at any given time, a user may switch channels or stations and listen to another station either in real time or review content that was broadcast at an earlier time and stored in FIFO.

Fellenstein at col. 3, lines 31-44.

The limitations of claim 10 discussed above are not taught or suggest by Fellenstein. For example, absent from Fellenstein is any teaching or suggestion of "storing . . . data" that is "representative of the incoming sound received during an interval of time preceding the first point in time," and "initiating storage" of data "representative of the incoming sound received after the first point in time" where it is determined that, at the first point in time, "the incoming sound satisfies a recording initiation criteria" Furthermore, the combination of Miura and Fellenstein fail to teach or suggest the limitations of claim 10. Accordingly, Applicant respectfully requests withdrawal of the present rejections.

Claims 21-22, 25, and 27

Amended claims 21, 22, 25, and 27 recite limitations similar to those of claim 10. Applicant therefore respectfully submits that, for reasons similar to those discussed above, the limitations recited in claims 21, 22, 25, and 27 are not taught or suggested by the cited references. For example, neither Miura nor Fellenstein teach or suggest the limitations "identifying . . . a first time segment corresponding to sound that is above a threshold and a second time segment, immediately preceding the first time segment, corresponding to sound that is below the threshold," "storing . . . data corresponding to sound recorded during the first time segment," and "storing . . . data corresponding to sound recorded during a first sub-portion of the second time segment that immediately precedes the beginning of the first segment; wherein data corresponding to sound recorded during the remaining sub-portion of the second time segment is not part of the first sub-portion is not stored on the second recording medium," as recited in amended claim 21. Claims 22, 25, and 27 depend from claim 21, and therefore include these limitations. Accordingly, Applicant respectfully requests withdrawal of the present rejections.

Claims 28-31

Amended claims 28-31 recite limitations similar to those of claim 10. Applicant therefore respectfully submits that, for reasons similar to those discussed above, the limitations recited in claims 28-31 are not taught or suggested by the cited references. For example, neither Miura nor Fellenstein teach or suggest the limitations "identify one or more detected sound segments and one or more effective silence segments," "transfer data representing the one or more detected sound segments . . . to be recorded," "transfer data representing one or more play-back periods . . to be recorded" where "the one or more play-back periods are each within one of the one or more effective silence segments and immediately preceding one of the one or more detected sound segments, wherein at least one play-back period is shorter than the effective silence segment that it is within," and where "data representing portions of the one or more effective silence segments that are not part of the one or more play-back periods are not transferred to the recording interface," as recited in amended claim 28. Claims 29-31 depend from claim 28, and therefore include these limitations. Accordingly, Applicant respectfully requests withdrawal of the present rejections.

Claims 32-33

Amended claims 32-33 recite limitations similar to those of claim 10. Applicant therefore respectfully submits that, for reasons similar to those discussed above, the limitations recited in claims 32-33 are not taught or suggested by the cited references. For example, neither Miura nor Fellenstein teach or suggest the limitations "identify one or more detected sound segments and one or more effective silence segments," "transmit the one or more detected sound segments to a receiving device," "transmit one or more play-back periods to the receiving device" where "the one or more play-back periods are each within one of the one or more effective silence segments and immediately preceding one of the one or more detected sound segments, wherein at least one play-back period is shorter than the effective silence segment that it is within," and where "portions of the one or more effective silence segments that are not part of the one or more play-back periods are not transmitted," as recited in amended claim 32. Claim 33 depends from claim 32, and therefore include these limitations. Accordingly, Applicant respectfully requests withdrawal of the present rejections.

Claims 34-42

Amended claims 34-42 recite limitations similar to those of claim 10. Applicant therefore respectfully submits that, for reasons similar to those discussed above, the limitations recited in claims 34-42 are not taught or suggested by the cited references. For example, neither Miura nor Fellenstein teach or suggest the limitations "responsive to" "determining that the first predetermined condition is detected," "transferring to a recording medium: a digital representation of the incoming sound corresponding to a first time period beginning a predetermined length of time before the first predetermined condition is detected and continuing until at least until the first predetermined condition is detected; and a digital representation of the incoming sound corresponding to a second time period beginning when the predetermined condition is detected and continuing until a second predetermined condition is detected," as recited in amended claim 34. Claims 35-42 depends from claim 34, and therefore include these limitations. Accordingly, Applicant respectfully requests withdrawal of the present rejections.

Claims 43-53

Amended claims 43-52 recite limitations similar to those of claim 10. Applicant therefore respectfully submits that, for reasons similar to those discussed above, the limitations recited in claims 43-53 are not taught or suggested by the cited references. For example, neither Miura nor Fellenstein teach or suggest the limitations "transfer, upon detection of the first predetermined condition, from the buffer to a recording medium, a digital representation of the incoming sound corresponding to a first time period beginning a predetermined length of time before the first predetermined condition is detected and continuing at least until the first predetermined condition is detected" and "transfer, to the recording medium, a digital representation of the incoming sound corresponding to a second time period beginning when the first predetermined condition is detected and continuing until a second predetermined condition is detected," as recited in amended claim 43. Claims 44-53 depend from claim 43, and therefore include these limitations. Accordingly, Applicant respectfully requests withdrawal of the present rejections.

Applicant also asserts that numerous other ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, further discussion of the dependent claims is not necessary at this time.

CONCLUSION:

Applicant respectfully submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6057-27400/EM.

Respectfully submitted,

Date: June 23, 2009

By: /Eric B. Min/
Eric B. Min
Reg. No. 54,761

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P. O. Box 398
Austin, Texas 78767
(512) 853-8800